

§ 11.35

for sale will be considered on an individual basis in accordance with part 1, subpart G, of this chapter.

[59 FR 67092, Dec. 28, 1994, as amended at 60 FR 56000, Nov. 6, 1995]

§ 11.35 Equipment operational readiness.

(a) Broadcast stations and subject cable systems are responsible for ensuring that EAS Encoders, EAS Decoders and Attention Signal generating and receiving equipment used as part of the EAS is installed so that the monitoring and transmitting functions are available during the times the broadcast station or cable system is in operation. Additionally, broadcast stations and subject cable systems must determine the cause of any failure to receive the required tests or activations specified in § 11.61(a) (1) and (2). Appropriate entries must be made in the broadcast station log as specified in §§ 73.1820 and 73.1840 of this chapter, cable system record in § 76.305 of this chapter indicating reasons why any tests were not received.

(b) If the EAS Encoder or EAS Decoder becomes defective the broadcast station or subject cable system may operate without the defective equipment pending its repair or replacement for a period not in excess of 60 days without further FCC authority. Entries shall be made in the broadcast station log or subject cable system records showing the date and time the equipment was removed and restored to service. For personnel training purposes, the required monthly test script must still be transmitted even though the equipment for generating the EAS message codes, Attention Signal and EOM code is not functioning.

(c) An informal request may be made to the Engineer-in-charge of the FCC field office serving area in which the broadcast station or subject cable system is located for additional time to complete repairs to the defective equipment. These requests must explain what steps have been taken to repair or replace the defective equipment, the alternative procedures being used while the defective equipment is out of service, and when the defective equipment will be repaired or replaced.

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Subpart C—Organization

§ 11.41 Participation in EAS.

(a) All broadcast stations and cable systems specified in § 11.11 are categorized as Participating National (PN) sources unless authorized by the FCC to be Non-Participating National (NN) sources.

(b) A broadcast station or cable system may submit a written request to the FCC asking to be a Non-Participating National (NN) source. The FCC may then issue a Non-participating National Authorization letter. NN sources must go off the air during a national EAS activation.

(1) Any existing station that is a Non-participating National (NN) source under § 11.18(f) that wants to become a Participating National (PN) source in the national level EAS must submit a written request to the FCC.

(2) NN sources may voluntarily participate in the State and Local Area EAS. Participation is at the discretion of broadcast station and cable system management and will be in accordance with the provisions of State and Local Area EAS Plans.

(c) All sources, including NN, must have immediate access to an EAS Operating Handbook and a Red Envelope Authenticator List and be placed on the EAS mailing list maintained by the FCC.

§ 11.42 Participation by communications common carriers.

(a) During activation of the National level EAS, communications common carriers which have facilities available in place may, without charge, connect:

(1) An originating source from the nearest service area to a selected Test Center and then to the radio and television broadcast networks, and cable networks and program suppliers for the duration of the emergency, provided an Emergency Action Notification is issued by the White House and the originating source has a local channel from the originating point to the nearest service area.

(2) An independent broadcast station to the radio and television broadcast networks, and cable networks and program suppliers provided the station has